(3)

(Filed) (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2438 /2004

PETITIONER

Tarkeshwar Prasad
S/o Janak Prasad Upadhyay
R/o Village Pahra,
P.O. Gondgiri,
Block Dhamdha,
District Durg,
(Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through Secretary,
Department of Panchayat and Social Welfare
D.K.S. Bhawan, Mantralaya
Raipur (Chhattisgarh)

2. Collector, Durg
Dictrict Durg (Chhattisgarh)

3. Deputy Director,
Department of Panchayat & Social Welfare,
District Durg (Chhattisgarh)

4. Chief Executive Officer
Janpad Panchayat, Block Dhamdha, District Durg
(Chhattisgarh)

5. Gram Panchayat Pahra
Through Sarpanch,
Village Pahra, PO Gondgiri,
Block Dhamdha, Dictrict Durg
(Chhattisgarh)

P.R. No. 2438/04 Upadhyay
Presented by Shri Manish
dated 07/9/04

RECEIVED COPY
7/8/04
Clerk to A.G. Bilaspur

2 (4)

(2)

6. Shri Atmaram
S/o Manglu Ram Verma
Village Hathkhoj,
Block Patan, District Durg
(Chhattisgarh)

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS TO MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 2438/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	02-02-2005 Shri Jitendra Pali, learned counsel for the petitioner. Shri J.D. Bajpai, learned Govt. Advocate for the State/ respondents No. 1, 2 and3. Heard. By way of this petition, the petitioner has challenged the appointment of respondent No.6 (Atmaram) as Panchayat Karmi/Secretary of Gram Panchayat, Pahra. The claim of the petitioner is that he was a better candidate than respondent No.6 and he should have been appointed in place of respondent No.6. On the last date of hearing, time was grated to learned counsel for the petitioner for examining as to whether statutory remedy to prefer appeal is available to the petitioner or not ? Learned counsel for the petitioner submits that the order of appointment of respondent No.6 as well as non consideration of the petitioner's candidature can be challenged before the appellate authority under the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995. Since there is an alternative remedy of appeal, learned counsel for the petitioner seeks permission to	

GR PRJ—FS/350—12/2000—50,000.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.2438/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

withdraw this petition with a liberty to file an appeal before the competent authority.

Learned counsel for the petitioner also submits that the period of limitation has already been elapsed, therefore, a direction be issued for consideration of his prayer for condonation of delay on the ground of pendency of this writ petition.

Needless to say that there is already a provision for condonation of delay in filing the appeal by filing appropriate application. If the appeal is filed alongwith an application for condonation of delay, the authority may entertain such an application and decide the same in accordance with law.

With the aforesaid observations the petition stands finally disposed of as withdrawn with the aforesaid liberty granted to the petitioner.

Consequently, M.(W).P.No.2153/2004 & I.A.No.5473/2004 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
Sunil Kumar Sinha
Judge